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SENATE BILL 291

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO NATURAL LANDS PROTECTION; REQUIRING A PERCENTAGE OF ANNUAL SEVERANCE TAX BONDING CAPACITY TO BE USED TO ACQUIRE UNIQUE AND ECOLOGICALLY SIGNIFICANT LANDS IN NEW MEXICO; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Severance Tax Bonding Act is enacted to read:

"[NEW MATERIAL] BONDING CAPACITY--AUTHORIZATION FOR SEVERANCE TAX BONDS--NATURAL LANDS PROTECTION--APPROPRIATION.--

A. By January 15 of each year, the board of finance division of the department of finance and administration shall estimate the amount of bonding capacity available for severance tax bonds to be authorized by the legislature. The division shall deduct one million dollars (\$1,000,000) from the

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1 estimated amount, and the legislature authorizes the state
2 board of finance to issue severance tax bonds in that amount to
3 acquire unique and ecologically significant land pursuant to
4 the Natural Lands Protection Act.

5 B. The secretary of energy, minerals and natural
6 resources shall certify to the state board of finance the need
7 for issuance of the bonds for natural lands acquisition. The
8 state board of finance shall issue and sell the bonds in the
9 same manner as other severance tax bonds in an amount not to
10 exceed the authorized amount provided in Subsection A of this
11 section. The state board of finance shall take appropriate
12 steps to comply with the federal Internal Revenue Code of 1986,
13 as amended. Proceeds from the sale of the bonds are
14 appropriated to the energy, minerals and natural resources
15 department for natural lands acquisition.

16 C. Money from the severance tax bonds provided for
17 in this section shall not be used to pay indirect project
18 costs. Any unexpended balance from the proceeds of severance
19 tax bonds issued pursuant to this section shall revert to the
20 severance tax bonding fund at the end of the fiscal year three
21 years following the fiscal year in which the bonds were
22 issued."

23 Section 2. Section 75-5-1 NMSA 1978 (being Laws 1987,
24 Chapter 192, Section 1) is amended to read:

25 "75-5-1. SHORT TITLE.--~~[Sections 1 through 6 of this act]~~

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1 Chapter 75, Article 5 NMSA 1978 may be cited as the "Natural
2 Lands Protection Act".

3 Section 3. Section 75-5-3 NMSA 1978 (being Laws 1987,
4 Chapter 192, Section 3) is amended to read:

5 "75-5-3. DEFINITIONS.--As used in the Natural Lands
6 Protection Act:

7 A. "committee" means the natural lands protection
8 committee;

9 B. "unique and ecologically significant lands" are
10 lands ~~[which]~~ that:

11 (1) afford habitat for species listed as rare,
12 threatened or endangered by the state or federal government;
13 and

14 (2) are identified by the energy, minerals and
15 natural resources department as constituting the best remaining
16 examples of native ecological communities that are otherwise
17 unprotected; and

18 C. "corporation" means a New Mexico not-for-profit
19 corporation whose primary purpose is the preservation and
20 conservation of lands."

21 Section 4. Section 75-5-4 NMSA 1978 (being Laws 1987,
22 Chapter 192, Section 4) is amended to read:

23 "75-5-4. ADMINISTRATION OF THE ACT.--

24 A. The Natural Lands Protection Act shall be
25 administered by the secretary of energy, minerals and natural

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1 resources in consultation with [~~a~~] the "natural lands
2 protection committee", [~~consisting~~] which consists of the
3 secretary of energy, minerals and natural resources, who shall
4 serve as chairman of the committee, the director of the
5 department of game and fish, the commissioner of public lands,
6 the director of the New Mexico department of agriculture and
7 three public members appointed by the governor, one of whom
8 shall represent the ranching or farming industry.

9 B. The secretary of energy, minerals and natural
10 resources shall present a list of projects to the committee
11 based on priorities generated by the energy, minerals and
12 natural resources department.

13 C. The committee shall recommend lands to be
14 acquired under the provisions of the Natural Lands Protection
15 Act and, subject to appropriation for such purpose by the
16 legislature, pay the state's share of acquisitions. No land
17 shall be acquired unless a corporation jointly acquires the
18 land with the state. A corporation [~~must~~] shall participate in
19 acquiring a minimum of at least ten percent undivided interest
20 in the land or the state cannot participate in the acquisition.
21 Title to lands acquired shall be held as cotenants having
22 undivided interests in proportion to the state's and the
23 corporation's share of the acquisition and shall be held in the
24 name of the state [~~of New Mexico~~] and the corporation.

25 D. Priority among projects qualified under the

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1 Natural Lands Protection Act shall be determined in descending
2 order as follows:

3 (1) the degree to which the lands in question
4 are subject to the threat of immediate alteration or
5 destruction;

6 (2) the degree to which ecosystems in question
7 are unduplicated elsewhere; and

8 (3) usefulness for teaching and research."

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